

REMARKS

Applicant submits that the present application, as currently amended, is in condition for allowance.

Claims 1-20 are pending, with claims 1-13 amended and claims 14-20 added by the current Amendment. Claims 1, 10, 15, 17 and 18 are independent.

In the Official Action, the drawings were objected to, and claims 1-13 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Christopher (U.S. Patent No. 5,008,820) and Tsutsui (U.S. Patent No. 6,668,158).

Claims 1-13 are amended and claims 14-20 are added to more clearly describe and distinctly claim Applicant's invention. Support for this amendment is found in Applicant's originally filed specification. No new matter is added.

Applicant acknowledges with appreciation the telephone discussion between the Examiner and Applicant's representative on April 17, 2008. During the discussion, the objection to the drawings was discussed.

Applicant acknowledges with appreciation the telephone discussion between the Examiner, the Examiner's supervisor and Applicant's representative on May 6, 2008. During the discussion, the specification and claims were compared with applied references. The Examiners appeared to acknowledge that neither reference teaches the operations disclosed in paragraphs [0082] – [0089]. In particular, the Examiners appeared to acknowledge that none of the applied references disclose or suggest confirming whether or not a "ServiceGatewayInfo()" area of a control message of Download Server Initiate is updated, in response to a search request for a file object. The Examiners also acknowledged that Applicant's amendment to the specification

introduced no new matter, and that the objection to the drawings would be withdrawn with the next Official Action.

As noted in the telephone discussion of May 6, 2008, Applicant traverses the objection to the drawings regarding the label "Related Art." MPEP § 608.02(g) recites "Figures showing the prior art are usually unnecessary and should be canceled. *Ex parte Elliott*, 1904 C.D. 103, 109 O.G. 1337 (Comm'r Pat. 1904). However, where needed to understand Applicant's invention, they may be retained if designated by a legend such as "Prior Art.") The phrase "such as" indicates that the label "Prior Art" is an option, not a requirement. Here, Applicant is not making an admission that the features shown in the figures in question are or are not prior art. Instead, these figures show related material that may or may not be prior art under 35 U.S.C. § 102, but which are provided nonetheless as background to assist in understanding the invention. Thus, Applicant requests that the objection to the drawings be withdrawn.

Briefly recapitulating, amended claim 1 is directed to

A file searching method of a data broadcasting system, the method comprising the steps of:

confirming whether or not a Download Server Initiate control message is updated, in response to a search request for a file object; and

searching for the file object from an updated root directory object, when the Download Server Initiate control message is confirmed to have been updated.

Christopher describes a method for rapidly opening a file after such file has been initially opened at least once. Christopher maintains a history table containing entries for each file that has been opened and for each sub-directory included in the path to such file. However, as acknowledged by the Official Action, Christopher does not disclose or suggest the use of Download Server Initiate functions or messages. Thus, Christopher does not disclose or suggest

confirming whether or not a Download Server Initiate control message is updated, in response to a search request for a file object; or searching for the file object from an updated root directory object, when the Download Server Initiate control message is confirmed to have been updated.

Tsutsui describes a method and device for downloading content data. In particular, Tsutsui describes a module divided into blocks for every predetermined unit. Each block is allotted a header and converted into a format referred to as DBB (Download Data Block). On the other hand, a control message referred to as DII (Download Inform Indication) containing information on the size of a module required for receiving the module at the receiver side and a control message referred to as DSI (Download Server Initiate) containing information which indicates the address of a root directory of a data service at the receiver side are created. The three types of messages, i.e., DBB, DSI and DII are periodically and repeatedly outputted and transmitted in an annular structure referred to as a carousel so that the reception side can receive it at any time.

In Tsutsui, the control CPU 58 sets the packet ID (PID) of the DSI at the demultiplexer 80 (see FIG. 10) in the transport ID 53 and acquires DSI data (in a step 144). The control CPU 58 analyzes the acquired DSI data and acquires the PID of the DII having root directory information (in a step 145). The control CPU 58 sets the PID of the DII at the demultiplexer 80 in the transport IC 53 and acquires DII data (in a step 146). Based on the DSI data and the DII data, a file in the lower directory to be transmitted is read (in a step 147).

However, Tsutsui fails to disclose or suggest a) confirming whether or not a Download Server Initiate control message is updated, in response to a search request for a file object; and b) searching for the file object from an updated root directory object, when the Download Server

Initiate control message is confirmed to have been updated. That is, while Tsutsui discloses using the DSI data (and the DII data) to read a file in the lower directory, Tsutsui does not disclose updating the DSI data in response to historical searches.

In KSR v. Teleflex (127 S. Ct. 1727, 1740 (2007)), the Court noted that

“[u]nder the correct analysis, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed.” The Court also noted that “a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under §103.”

However, the Court went on to note that

“rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some *rational* underpinning to support the legal conclusion of obviousness.”

Here, however, the Official Action fails to provide a rational reason, due to either a misunderstanding of the invention/references or hindsight reasoning, for replacing or augmenting history table of Christopher with the DSI message reading of Tsutsui. First, the history table of Christopher may contain multiple entries, whereas Tsutsui does not disclose or suggest the ability of the DSI message to accommodate any historical data, let alone a table of historical data. Furthermore, the control logic of Christopher is tailored to search a history table, and is not tailored to confirm whether or not a Download Server Initiate control message is updated. That is, the structure of the Download Server Initiate control message is specific. Thus, the control logic to confirm whether or not such a message is updated must also be specific to that structure.

Both Christopher and Tsutsui fail to disclose or suggest analyzing the contents of a Download Server Initiate control message for updates.

For at least the foregoing reasons, Applicant submits there is no rational reason to combine the history table of Christopher with the DSI message reading of Tsutsui. Thus, Applicant requests that the present rejection under 35 U.S.C. § 103(a) be withdrawn.

For at least the reasons presented above relative to claim 1, Applicant submits that the applied references do not disclose or suggest,

- “confirming whether or not an absolute path exists within a Download Server Initiate control message, in response to a search request for a file object,” as recited in amended independent claim 10;
- “confirming whether or not information concerning a basic root directory object of a Download Server Initiate control message is updated, in response to a search request for a file object,” as recited in new independent claim 15;
- “updating the first Download Server Initiate control message by using at least one of an absolute path and an updated basic root directory object for the file object in response to said step of searching in response to the first search request,” as recited in new independent claim 17; and
- “updating the first Download Server Initiate control message to include an absolute path for the file object in response to said step of searching in response to the first search request,” as recited in new independent claim 18.

As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1, 10, 15, 17 and 18, Applicant submits the

inventions defined by claims 1, 10, 15, 17 and 18, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.¹

Furthermore, as acknowledged during the telephone discussion of May 6, 2008, none of the applied references disclose or suggest the use of the "ServiceGatewayInfo()" field of Download Server Initiate control message, as recited in dependent claims 15 and 10. Thus, for independent reasons, Applicant submits that dependent claims 15 and 10 patentably define over the applied references.

Applicant further submits that none of the applied references disclose or suggest the step of "skipping a directory object of a hierarchical architecture of the absolute path and directly accessing the hierarchical architecture of the directory object of the absolute path when the directory object is written to the absolute path of the updated Download Server Initiate control message," as recited in new claim 19. Thus, for independent reasons, Applicant submits that dependent claim 19 patentably defines over the applied references.

¹ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest all the claim limitations.

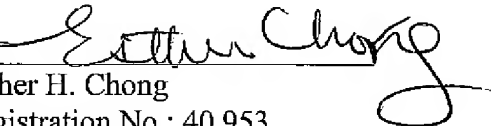
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco (Reg. No. 52,041) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: June 2, 2008

Respectfully submitted,

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